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10/594,643	06/25/2007	Jacques Metrope	6003.1087	1571
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Davidson, Davidson & Kappel, LLC			EXAMINER	
485 7th Avenue			FREEMAN, SHEMA TAIAN	
14th Floor				
New York, NY 10018			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,643	Applicant(s) METROPE, JACQUES	
	Examiner SHEMA T. FREEMAN	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/28/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 recites "a ratio of a length of the incisions to a spacing of adjacent lines is between 5.00 and 50.00," however a ratio is typically reported as a:b thus by reporting only a number (5.00 or 50.00) it is unclear as to the ratio applicant is claiming. For the purposes of prosecution the ratio will be interpreted in the form a:b where a equals 5.00 or 50.00 and b equals 1.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-13 and 15-18 and 20-21 rejected under 35 U.S.C. 102(e) as being anticipated by Chrighi (US 2008/0038493).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 11 and 21, Chrighi teaches a packing sleeve (**10, Fig 3**) for a printing unit cylinder of an offset printing press comprising: an outer lateral surface (**30, Fig 3**) having at least one region (**26, Fig 3**); and at least one region including an area having a plurality of incisions (**16, Fig 3**); the plurality of incisions increasing an elasticity of the packing sleeve in a peripheral direction (**pg 1, par [0014]**).

Regarding claim 12, Chrighi teaches a packing sleeve wherein the incisions run parallel to the figure axis of the packing sleeve (**pg 2, par [0023]**).

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Regarding claim 13, Chrighi teaches a packing sleeve wherein the incisions in the area are arranged along lines, the incisions of adjacent lines lying offset with respect to one another (**pg 2, par [0023]**).

Regarding claim 15, Chrighi teaches a packing sleeve wherein the region extends over the entire outer lateral surface (**10, Fig 3**).

Regarding claim 16, Chrighi teaches a packing sleeve wherein a width of the incisions is selected to reduce deformation during a printing mode of a printing plate received on the packing sleeve (**pg 2, par [0026]**).

Regarding claim 17, Chrighi teaches a packing sleeve wherein the outer lateral surface includes a slot (**28, Fig 3**) for receiving edges of a plate-form printing plate or a printing blanket.

Regarding claim 18, Chrighi teaches a packing sleeve wherein an area surrounding the slot has no incisions (**28, Fig 3**).

Regarding claim 20, Chrighi teaches a method for enlarging the effective outer diameter of a printing unit cylinder in an offset printing press comprising the step of: drawing a packing sleeve over a printing unit cylinder in an offset printing press (**pg 1, par [0014]**).

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3. Claims 11, 12, 15, 16, 17, 18, 20, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Saueressig (DE 19918432).

For the purposes of prosecution English equivalent US 6,823,787 of DE 19918432 relied upon to point out claimed features.

Regarding claims 11 and 21, Saueressig teaches a packing sleeve (**3, Fig 1**) for a printing unit cylinder of an offset printing press comprising: an outer lateral surface (**column 4 4, lines 36-37**) having at least one region; and at least one region including an area having a plurality of incisions (**4, Fig 1**); the plurality of incisions increasing an elasticity of the packing sleeve in a peripheral direction (**column 4, lines 34-40**).

Regarding claim 12, Saueressig teaches a packing sleeve wherein the incisions run parallel to the figure axis of the packing sleeve (**column 4, lines 53-55**).

Regarding claim 15, Saueressig teaches a packing sleeve wherein the region extends over the entire outer lateral surface (**column 4, lines 36-37**).

Regarding claim 16, Saueressig teaches a packing sleeve wherein a width of the incisions is selected to reduce deformation during a printing mode of a printing plate received on the packing sleeve (**column 4, lines 56-61**).

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Regarding claim 17, Saueressig teaches a packing sleeve wherein the outer lateral surface includes a slot **(column 4, lines 42-46)** for receiving edges of a plate-form printing plate or a printing blanket.

Regarding claim 18, Saueressig teaches a packing sleeve wherein an area surrounding the slot has no incisions **(column 4, lines 56-61)**.

Regarding claim 20, Saueressig teaches a method for enlarging the effective outer diameter of a printing unit cylinder in an offset printing press comprising the step of: drawing a packing sleeve over a printing unit cylinder in an offset printing press **(column 4, lines 34-40)**.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi (US 2008/0038493) in view of Beaudry (US 2006/0021534).

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Regarding claim 14, Chrighi teaches all the claimed elements except a packing sleeve wherein a ratio of a length of the incisions to a spacing of adjacent lines is between 5.00 and 50.00.

Beaudry teaches a packing sleeve wherein a ratio of a length of the incisions to a spacing of adjacent lines is between 5.00 and 50.00 (**pg 4, par [0046]**). Beaudry discloses that the size and spacing of the apertures is dependent of the size and thickness of the substrate held on the sleeve. As disclosed in Beaudry one of ordinary skill in the art would reasonably use a smaller ratio for larger thicker substrates and a larger ratio for smaller thinner substrates. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention modify the packing sleeve of Chrighi to have the ratio of a length of the incisions to a spacing of adjacent lines is between 5.00 and 50.00 to ensure the substrate is properly held onto the printing sleeve.

6. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi (US 2008/0038493) in view of Lorig et al (US 5,797,322).

Regarding claim 19, Chrighi teaches all the claimed elements except a packing sleeve wherein the packing sleeve is steel or aluminum.

Lorig teaches a packing sleeve made of aluminum (**column 2, lines 3-17**). The ordinary artisan would be motivated to use aluminum because aluminum is a lightweight, strong and easily moldable material. Therefore it would have been obvious to one of ordinary

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skill in the art at the time of invention modify the packing sleeve of Chrigui to use aluminum as the material for the packing sleeve to manufacture a durable product.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saueressig (DE 19918432) in view of Beaudry (US 2006/0021534).

Regarding claim 13, Saueressig teaches all the claimed elements except a packing sleeve wherein the incisions in the area are arranged along lines, the incisions of adjacent lines lying offset with respect to one another.

Beaudry teaches a packing sleeve wherein the incisions in the area are arranged along lines, the incisions of adjacent lines lying offset with respect to one another (**Fig 2A, pg 4, par [0046]**). Beaudry discloses that the size and spacing of the apertures is dependent of the size and thickness of the substrate held on the sleeve. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the packing sleeve of Saueressig so the incisions in the area are arranged along lines, the incisions of adjacent lines lying offset with respect to one another to as taught by Beaudry to ensure the substrate is properly held onto the printing sleeve.

Regarding claim 14, the combination of Saueressig and Beaudry teach a packing sleeve wherein a ratio of a length of the incisions to a spacing of adjacent lines is between 5.00 and 50.00.

Beaudry teaches a packing sleeve wherein a ratio of a length of the incisions to a spacing of adjacent lines is between 5.00 and 50.00 (**pg 4, par [0046]**). Beaudry discloses that the size and spacing of the apertures is dependent of the size and thickness of the substrate held on the sleeve. As disclosed in Beaudry one of ordinary skill in the art would reasonably use a smaller ratio for larger thicker substrates and a larger ratio for smaller thinner substrates. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention modify the packing sleeve of Sauerressig so the ratio of a length of the incisions to a spacing of adjacent lines is between 5.00 and 50.00 as taught by Beaudry to ensure the substrate is properly held onto the printing sleeve.

8. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerressig (DE 19918432) in view of Lorig et al (US 5,797,322).

Regarding claim 19, Sauerressig teaches all the claimed elements except a packing sleeve wherein the packing sleeve is steel or aluminum. It would have to be a thin aluminum but it would work.

Lorig teaches a packing sleeve made of aluminum (**column 2, lines 3-17**). The ordinary artisan would be motivated to use aluminum because aluminum is a lightweight, strong and easily moldable material. Therefore it would have been obvious to one of ordinary

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skill in the art at the time of invention modify the packing sleeve of Sauerressig to use aluminum as the material for the packing sleeve to manufacture a durable product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEMA T. FREEMAN whose telephone number is (571)270-5714. The examiner can normally be reached on Monday-Thursday 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. T. F./
Examiner, Art Unit 2854

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854